

REMARKS

The Amendment is in response to the Final Office Action dated March 7, 2005.

Applicant has amended claims 1, 6, 16 and 23 to more particularly point out and distinctively claim the invention. Specifically the claims are amended to add the limitation that the system and methods are for neurological development and the interacting step and method promotes right brain visual thinking, processing and communication, thus promoting brain development of the user. Support for these added limitations are found in the specification, for example at page 6, lines 19-20, and page 20, lines 4-10. Applicant respectfully submits that no new matter is added by this amendment. Upon entry of this amendment claims 1, 5-13, and 16-23 are pending in this application.

Claim Rejections

The Examiner rejects claims 1, 5, 7-13, 16-18 and 20-23 under 35 USC §102(a) as unpatentable based upon an alleged public use or sale of the invention as shown in Puppetools: www.puppetools.com as retrieved from Internet Archive Wayback Machine <www.archive.org>. Applicant respectfully traverses this rejection and submits the amended claims were not in public use or on sale more than one year prior to the filing date of the subject application.

Applicant respectfully submits that the Puppetools reference does not disclose or reasonably suggest each element of the amended claims. The references do not teach or enable one to arrive at the claimed invention, a puppetry based communications system for neurological development and where the interacting step and method promotes right brain visual thinking, processing and communication, thus promoting brain development of the user.

Applicant respectfully submits that the reference to the paper puppet and general play instruction adds nothing more. The paper puppet itself has been disclosed in prior patents, such as US Patent no. 4,555,236, referenced in a prior an Information Disclosure Statement filed by the Applicant; however Applicant submits that the existence of the paper puppet does not disclose or teach a web based puppetry based communication system and method as recited in

the amended claims. The focus of the prior Puppetools reference is directed primarily to the puppets and their use, not a web-based interactive communications system that promote neurological development and right brain visual thinking, processing and communication, thus promoting brain development of the user.

Further, Applicant respectfully submits that the cited references do not reasonably suggest or render obvious the amended claims. Referring to the Declaration of Mr. Jeffery Peyton dated December 28, 2004 and filed on January 28, 2005, there is shown evidence of the non-obviousness of the invention. Particularly, at page 4 in the second and third paragraphs of the Declaration, is referenced the recent interest of the scientific community in the subject invention, and the revolutionary research this idea is initiating in the brain science community.

Based on the above, Applicant respectfully submits that the present application is now in condition for allowance, and a Notice of Allowance is respectfully requested. If any matters can be handled by telephone, Applicant requests that the Examiner telephone Applicants' attorney at the number below. The Commissioner is authorized to charge any additional required fees, or credit any overpayment, to Dorsey & Whitney LLP Deposit Account No. 50-2319 (Order No. A-69185/MSS (468984-2)).

Respectfully submitted,

DORSEY & WHITNEY LLP



Maria S. Swiatek,
Reg. No. 37,244

Customer Number: 32940
DORSEY & WHITNEY LLP
555 California Street, Suite 1000
San Francisco, CA 94104
Telephone: (650) 494-8700
Facsimile: (650) 494-8771